

CUAUHTEMOC ORTEGA (Bar No. 257443)  
Federal Public Defender  
REBECCA ABEL (Bar No. 298604)  
(E Mail: Rebecca\_Abel@fd.org)  
Deputy Federal Public Defender  
HAYLEY HUNTLEY (Bar. No. 351438)  
(E-mail: Hayley\_Huntley@fd.org)  
321 East 2nd Street  
Los Angeles, California 90012-4202  
Telephone: (213) 894-2854  
Facsimile: (213) 894-0081

Attorneys for Defendant  
OSCAR J. GARCIA

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION**

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
OSCAR J. GARCIA,  
  
Defendant.

Case No. CR 23-00470-AB

**EX PARTE APPLICATION TO  
CONTINUE EVIDENTIARY  
HEAIRNG ON ALLEGATIONS OF  
VIOLATIONS OF SUPERVISED  
RELEASE; PROPOSED ORDER**

[CURRENT] Hearing Date: March 1,  
2024 at 1:30 p.m.

[PROPOSED] Hearing Date: March 8,  
2024 at 1:30 p.m.

Defendant Oscar J. Garcia, by and through his counsel of record, Deputy Federal Public Defender Rebecca Abel and Public Interest Fellow Hayley Huntley, hereby applies ex parte for an order continuing the evidentiary hearing on two allegations of violations of supervised release from March 1, 2024 at 1:30 p.m. to March 8, 2024 at 1:30 p.m. This application is based on the following facts:

1. The Court held a preliminary revocation of supervised release hearing on February 2, 2024, at which Defendant admitted allegations two and four as set forth in the Petition of Probation and Supervised Release, filed January

11, 2024. (Dkt. No. 16.) Defendant denied allegations one and three and requested an evidentiary hearing. (*Id.*)

2. The Court set the evidentiary hearing on allegations one and three for March 1, 2024 at 1:30 p.m. (*Id.*)
3. On Monday, February 26, 2024, via an email to the Court's clerk, the parties represented to the Court that they intended to go forward with the evidentiary hearing as scheduled on March 1, 2024.
4. On Tuesday, February 27, 2024, the defense learned that one of its key witnesses is unavailable at the date and time currently set for the evidentiary hearing due to work obligations that cannot be re-scheduled or missed. The witness represented to the defense that if they failed to attend work on Friday they would likely be fired. The witness is available on March 8, 2024.
5. The same day, defense counsel Rebecca M. Abel contacted government counsel Jason Gorn about requesting a continuance of the hearing date by one week to March 8, 2024. On February 28, 2024, Mr. Gorn responded, stating, "We have three witnesses under subpoena for Friday and I can't count on serving two new civilian subpoenas in a week. I also have a witness that has made childcare arrangements for Friday." The government proposes going forward with the government's case on March 1, 2024 and continuing the defense's case to March 8, 2024.
6. The defense opposes the government's proposal as inefficient and potentially confusing.
7. On February 28, 2024, defense counsel communicated with assigned Probation Officer Carlos Reyes, who indicated he is available on the requested date.

1 For all these reasons, the defense respectfully request that the Court continue the  
2 final revocation hearing date by one week from March 1, 2024 at 1:30 p.m. to March 8,  
3 2024 at 1:30 p.m.

4 Respectfully submitted,  
5 CUAUHTEMOC ORTEGA  
6 Federal Public Defender

7  
8 DATED: February 28, 2024

By /s/ Rebecca M. Abel

9 REBECCA M. ABEL  
10 Deputy Federal Public Defender  
11 HAYLEY HUNTLEY  
12 Public Interest Fellow  
13 Attorneys for Oscar J. Garcia  
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